UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,517	12/19/2003	Thomas O'Rourke	920673-95338	4432

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EXAMINER
NGUYEN, DUSTIN

ART UNIT	PAPER NUMBER
2154	

NOTIFICATION DATE	DELIVERY MODE
05/23/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _10 January 2008_.
2a) ☐ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20 and 23-27_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-20 and 23-27_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1- 20 and 23-27 are presented for examination.

Response to Arguments

2.   Applicant's arguments filed 01/10/2008 have been fully considered but they are not
persuasive.

3.   As per remarks, Applicants' argued that (1) Lok does not disclose sending over the
network to the client computer a second section of code as an open-ended stream of code which
includes event notifications generated dynamically by the server in response to said telephony
equipment.

4.   As to point (1), Lok discloses a system for translating data (including voice and
telephony data) and events using a metadata translation layer, which transforms and encapsulates
telephony data and events into well-formed markup language syntax [Abstract; and paragraph
0008]. In Lok, the CTI server sends an incoming events (e.g. *ringing, hang-up, hold, un-hold,*
etc…) to a generic CC Portal Adapter, the CC Portal Adapter translates the events into its
corresponding XML format and passes it on to a predefined queue of the MOM and eventually to
the softphone client [i.e. broadly interpreted as sending over the network to the client computer a
second section of code as an open-ended stream which includes *event notifications* generated

dynamically by the server in response to said telephony equipment] [paragraphs 0065, 0077,

0081]. In addition, as shown in Figure 29, Lok discloses *opened stream connection and stream*

handle from the CTI server [i.e. broadly interpreted as an *open-ended stream* of code] [Figure

29; and paragraph 0117].

5.   In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., an open-ended

stream of code is not composed of stand-alone, discrete messages and the open-ended stream of

code can be continually and incrementally loaded by the browser software without having to

look for new messages with a listening service) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification are not

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1, 4-7, 9-13, 16-20, 23, and 25-27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lok et al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr.

et al. [US Patent No 6,275,230].

8.   As per claim 1, Lok discloses the invention as claimed including a method of providing

an interface over a network between a client computer and a server for controlling telephony

equipment [i.e. providing web and portal enablement of a CTI-based call center] [Figure 1;

Abstract; and paragraph 0003], comprising the steps of:

a) sending over the network to the client computer a first section of code including

software elements which when loaded in web browser software enable a user of the client

computer to issue commands to the server [i.e. softphone can be deployed in applet form for

interaction] [Figure 15; and paragraphs 0059, 0081, and 0091]; and

b) sending over the network to the client computer a second section of code as an open-

ended stream of code [i.e. separate events are handled as discrete messages] [paragraph 0067]

which includes event notifications generated dynamically by the server in response to said

telephony equipment [i.e. ringing event sends to the client] [paragraphs 0081, 0108 and 0110

];

whereby the first section of code provides a browser-based interface suitable for

transmitting user generated events [i.e. answer, transfer, conference] [Figure 22; and

paragraphs 0059, 0081 and 0110] and the second section provides a mechanism for updating

the browser with notifications of events provided by the telephony equipment [i.e. softphone

should reflect the ringing event] [paragraph 0081].

Lok does not specifically disclose

wherein at least some of the event notifications in the second section of code are adapted

to update in the browser software one or more software elements received in the first section of

code.

Ingrassia discloses

wherein at least some of the event notifications in the second section of code are adapted

to update in the browser software one or more software elements received in the first section of

code [i.e. notify the software running on a workstation of the arrival of a call] [Figures 1 and

2; and col 3, lines 1-43].

It would have been obvious to a person skill in the art at the time the invention was made

to combine the teaching of Lok and Ingrassia because the teaching of Ingrassia would provide

all the command buttons to dynamically interact with the CTI server, switch and Call Center

Session Control to monitor the current operational state of the telephony equipment and

automatically react to the changes to the operational state [Ingrassia, col 10, lines 63-67].

9.   As per claim 4, Lok discloses wherein the second section of code is generated as an open-

ended stream of code which continues to be generated by the server in response to new events

notified by the telephony equipment while the communication with the client computer remains

open [i.e. listens to or monitor] [paragraphs 0077 and 0081].

10.   As per claim 5, Lok discloses wherein the second section of code is provided as dynamic

mark-up language code in the form of a series of discrete components which encode discrete

software elements for interpretation by the browser software [i.e. XML messages] [paragraphs 0060, 0067 and 0070].

11.   As per claim 6, Lok discloses wherein the discrete software elements are Java or JavaScript elements [paragraphs 0064 and 0094].

12.   As per claim 7, Ingrassia discloses sending over the network a third section of code, said third section of code including a web services description of web services available on said server which enable remote control of the telephony equipment [i.e. enable the application to control a call to a telephone] [col 3, lines 9-13; col 5, lines 29-32], whereby the software elements from the first section of code operate in conjunction with the web services description from the third section of code to enable the generation of appropriate commands to access the web services offered by the server, and thereby to control the telephony equipment [i.e. the command buttons dynamically interact with the CTI server] [col 10, lines 63-67].

13.   As per claim 9, Ingrassia discloses monitoring said network for commands from the client to operate the web services [i.e. monitor activations of command button by a user] [col 7, lines 14-25].

14.   As per claim 10, Ingrassia discloses translating commands received from the client to operating commands for the telephony equipment [Figure 14; and col 9, lines 62-col 10, lines 11].

15.   As per claim 11, Lok discloses the steps of monitoring a first communications session

including said first and second sections of code between the client computer and the server, and

of monitoring a second communications session between the telephony equipment and a remote

item of telephony equipment, whereby events occurring in the first and second communications

sessions are synchronised with one another [i.e. events synchronized or real-time] [paragraphs

0067 and 0068].

16.   As per claim 12, Lok discloses wherein the first communications session is controlled by

a session manager which is in communication with a web server and the second

communications session is controlled by a computer telephone integration manager which is in

communication with said telephony equipment, the session manager passing commands

received from the client computer to the computer telephone integration manager, and passing

event notifications received from the computer telephone integration manager to the web server

[i.e. call center session control and telephony controls] [109, 110, Figure 1; Figure 9; col 3,

lines 17-col 4, lines 2; and col 8, lines 5-11].

17.   As per claim 13, it is rejected for similar reasons as stated above in claim 1.

18.   As per claims 16-19, they are rejected for similar reasons as stated above in claims 4-7.

19.   As per claim 20, Lok discloses sending to the server commands to operate the web

services in response to user actions in the browser [i.e. telephone control includes answer] [

Abstract; and paragraph 0059].

20.   As per claims 23, 25-27, they are rejected for similar reasons as stated above in claim 1.

21.   Claims 2, 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok et

al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr. et al. [US Patent No

6,275,230], and further in view of Strathmeyer [US Patent Application No 2005/0025127].

22.   As per claim 2, Lok and Ingrassia do not specifically disclose wherein the first and

second sections of code are provided as first and second frames within a single web page.

Strathmeyer discloses wherein the first and second sections of code are provided as first and

second frames within a single web page [i.e. generate a dynamic web page] [308, Figure 3;

and paragraphs 0025 and 0041]. It would have been obvious to a person skill in the art at the

time the invention was made to combine the teaching of Lok, Ingrassia and Strathmeyer

because the teaching of Strathmeyer would allow to create a finished web page that reflects data

relevant to a caller [Strathmeyer, paragraph 0025].

23.   As per claim 8, Strathmeyer discloses wherein the first and second sections of code are

transmitted as first and second frames in a web page [paragraphs 0022, 0025, and 0046], and

the third section of code is transmitted each time said web page is requested [paragraphs 0015 and 0048].

24.   As per claim 14, it is rejected for similar reasons as stated above in claim 2.

25.   Claims 3, 15, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lok et al. [US Patent Application No 2004/0028212], in view of Ingrassia, Jr. et al. [US Patent No 6,275,230], and further in view of Strathmeyer [US Patent Application No 2005/0025127], and further in view of Schneider et al. [US Patent No 7,010,568].

26.   As per claim 3, Lok, Ingrassia, Strathmeyer do not specifically disclose wherein the second frame is encoded for interpretation as a hidden frame. Schneider discloses wherein the second frame is encoded for interpretation as a hidden frame [i.e. a web page is dynamic when arguments are passed which are hidden] [col 2, lines 9-20]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Lok, Ingrassia, Strathmeyer and Schneider because the teaching of Schneider would provide a means of accessing information on the Internet that allows a user to "surf the web" and navigate the Internet resource intuitively, without technical knowledge [Schneider, col 2, lines 21-24].

27.   As per claim 15, it is rejected for similar reasons as stated above in claim 3.

28.   As per claim 24, it is rejected for similar reasons as stated above in claim 21.

29.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The

examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Dustin Nguyen/
Primary Examiner, Art Unit 2154

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/741,517	O'ROURKE ET AL.
	Examiner	**Art Unit**
	DUSTIN NGUYEN	2154